

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XPOINT TECHNOLOGIES, INC.,)
Plaintiff,)
v.) C. A. No.: 09-628 (SLR)
MICROSOFT CORP., et al.,)
Defendants.)

**DEFENDANT ALACRITECH, INC.'S RENEWED MOTION TO DISMISS
XPOINT'S INDIRECT INFRINGEMENT CLAIMS**

Defendant Alacritech, Inc., by and through its undersigned counsel, hereby moves to dismiss the indirect infringement claims in Plaintiff Xpoint Technologies, Inc.'s Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth in the Opening Brief in Support of Alacritech's Renewed Motion to Dismiss Xpoint's Indirect Infringement Claims, filed this day.

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